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PTO/SB/21 (08-03)

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TRANSMITTAL FORM

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Total Number of Pages in This Submission

5

Application Number
10/701,254

Filing Date
November 4, 2003

First Named Inventor
Pete Maletto

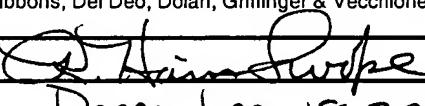
Art Unit
TBA

Examiner Name
TBA

Attorney Docket Number
104601-50376

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) PTO Form 1449 2) Return Receipt Postcard
<input type="checkbox"/> Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	R. Hain Swope, Esq.; Registration No.: 24,864 Gibbons, Del Deo, Dolan, Griffinger & Vecchione
Signature	
Date	December 18, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Pete Maletto

Examiner: To Be Assigned

U.S. Serial No: 10/701,254

Group Art Unit: To Be Assigned

Filed: November 4, 2003

Docket No.: 104601-50376

For: LOW CARBOHYDRATE ICE CREAM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97 - 1.99, Applicants respectfully request that the following citations be noted in the record of the above-identified patent application. As all citations are U.S. Patents or published U.S. Patent Applications, copies are not being provided herewith. A completed Form PTO-1449 is being submitted herewith. The citations listed below are being noticed for inclusion in the record in the above-identified patent application prior to the issuance of the first Office Action therein, hence no fee is required for their submission. The following citations are discussed in the specification of the above-identified patent application:

<u>Patent Number</u>	<u>Issue Date</u>	<u>Inventor(s)</u>
USP 4,663,176	Jun 28, 1974	Arden
USP 4,657,200	Jun 23, 1987	Serpelloni <i>et al.</i>
USP 5,084,295	Jan 28, 1992	Whelan <i>et al.</i>
USP 5,145,698	Sep 8, 1992	Cajigas
USP 5,328,710	Jul 12, 1994	Malone <i>et al.</i>
USP 5,358,728	Oct 25, 1994	Martin <i>et al.</i>
USP 5,605,712	Feb 25, 1997	Bertrand <i>et al.</i>

In addition, a search was carried out in the Patent & Trademark Office relative to the invention disclosed and claimed in the above-identified patent application. More particularly, the search was

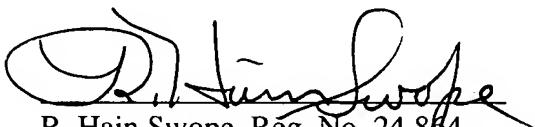
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104601-50376

carried out in Class 426, subclasses 565, 567, 571, 572, 613 and 658. The following additional citations were noted in the search, but not discussed in the above-identified patent application.

<u>Patent Number</u>	<u>Issue Date</u>	<u>Inventor(s)</u>
USP 5,645,881	Jul 8, 1997	Tancibok <i>et al.</i>
USP 6,352,734	Mar 5, 2002	Martin, Jr. <i>et al.</i>
USP 6,511,694	Jan 28, 2003	Huang <i>et al.</i>
U. S. Published Application 2003/0175396, published Sep 18, 2003, Rapp <i>et al.</i>		

The submission of the enclosed citations does not constitute an admission that they are relevant or material to the claims under consideration. Favorable consideration on the merits is courteously solicited.

Respectfully submitted,



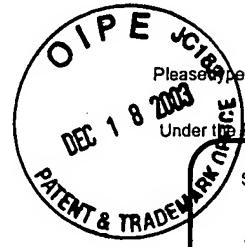
R. Hain Swope, Reg. No. 24,864
Attorney for Applicant
Phone (973) 596-4905

Date: December 18, 2003

Enclosure: Form PTO-1449.

Please address all communications to:

Intellectual Property Docket Administrator
Gibbons, Del Deo, Dolan, Griffinger & Vecchione
One Riverfront Plaza
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

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1 of 1

Complete if Known

Application Number	10/701,254
Filing Date	November 4, 2003
First Named Inventor	Pete Maletto
Group Art Unit	TBA
Examiner Name	TBA

Attorney Docket Number 104601-50376

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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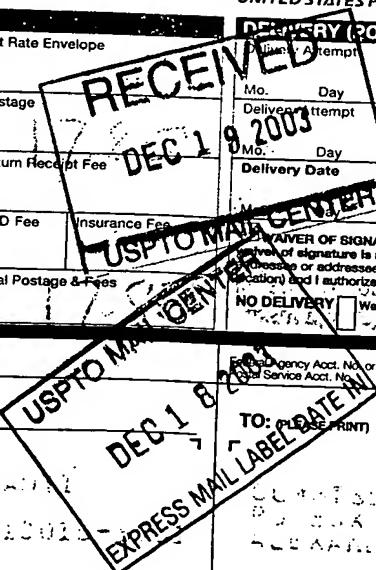
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